

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

EMBER RUSSELL,

Plaintiff,

v.

C.A. NO. 04-30031-KPN

LONG VIEW RECREATIONAL
VEHICLES, INC. AND LONG VIEW
RV SUPERSTORES,
Defendants.

AFFIDAVIT OF TIMOTHY F. MURPHY, ESQ.
IN SUPPORT OF DEFENDANTS' MOTION TO QUASH SUBPOENA

I, Timothy F. Murphy, under the pains and penalties of perjury, do hereby state:

1. I am labor and employment counsel for the Defendants and have represented them, at all relevant times, in the above-captioned matter.
2. Plaintiff who began work as a receptionist for Defendants on February 20, 2003, faxed a letter on June 13, 2003 to her supervisor, George Leduc, requesting sick leave because she was allegedly unable to work due to sexual harassment.
3. I interviewed Plaintiff about her sexual harassment complaint on July 9, 2003 in the presence of her attorney, Suzanne Garrow, and Ms. Denise Chartier, Longview's Comptroller.
4. As a result of the information provided by Plaintiff, I interviewed nine other Longview employees on July 23, 2003. Ms. Chartier was present for all of these interviews as well.
5. Based on the information garnered by the interviews, Longview determined that Plaintiff had not been sexually harassed and communicated that conclusion to Attorney Garrow on July 25, 2003.
6. During discovery, I furnished Attorney Garrow with my notes of all the witness interviews conducted as a result of Plaintiff's complaint of sexual harassment. I also furnished Attorney Garrow with a written summary of the investigation that I prepared for Longview. These documents are attached as Exhibits. 2 and 3 to *Defendants' Motion to Quash Subpoena*.

7. On January 31, 2005, I was served with a deposition subpoena for February 25, 2005.

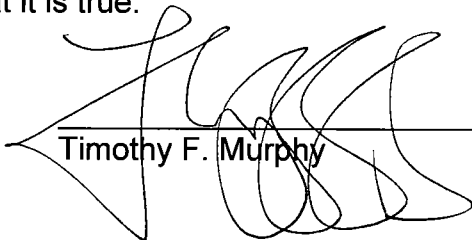
8. I spoke with Attorney Garrow and indicated that I intended to oppose Plaintiff's effort to depose me, but I did not file a motion to quash the subpoena at that time because the parties agreed to postpone the deposition as we had reached an agreement to mediate the matter on February 25, 2005.

9. On February 11, 2005, the parties filed a joint motion to extend the February 28, 2005 discovery deadline to April 1, 2005 in order to complete discovery in the event that mediation was unsuccessful. However the Court denied this motion.


10. On February 22, 2005, I received a re-notice of my deposition for February 25, 2005 at 1:00 p.m.

11. I do not contemplate calling myself as a witness at the time of trial of this matter.

I have read the above and swear that it is true.


Timothy F. Murphy

Sworn and Subscribed to before me
this 23th day of February, 2005:



Notary Public:

My Commission Expires:

**ANN-MARIE MARCIL
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES ON MARCH 24, 2011**